

JOSEPH P. RUSSONIELLO (CABN 44332)
United States Attorney

BRIAN J. STRETCH (CABN 163973)
Chief, Criminal Division

MATTHEW L. McCARTHY (CABN 217871)
Assistant United States Attorney

450 Golden Gate Avenue, 11th Floor
San Francisco, California 94102
Telephone: (415) 436-6838
Fax: (415) 436-7234
Email: Matthew.McCarthy@usdoj.gov

Attorneys for Plaintiff

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

UNITED STATES OF AMERICA,
Plaintiff,
v.
BRANDON BERNARD
and
STEPHEN GRADY,
Defendants.

No. CR-09-0028-MMC
ORDER SETTING HEARING AND
~~PROPOSED~~ BRIEFING SCHEDULE RE
POTENTIAL MOTIONS CHALLENGING
EXPERT TESTIMONY REGARDING
DNA EVIDENCE

On July 1, 2009, the parties appeared before the Court and set the above-captioned matter for jury trial on October 5, 2009. The Court then set various pre-trial deadlines, including an August 13, 2009 discovery cut-off date. The Court directed the parties to meet and confer regarding a schedule for possible motions relating to expert testimony regarding DNA evidence, and to propose a schedule to the Court.

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[PROPOSED] BRIEFING SCHEDULE RE DNA EXPERT MOTIONS
No. CR-09-0028-MMC

Accordingly, the parties propose the following schedule¹ :

- Any motion to exclude expert testimony regarding DNA evidence will be filed by **August 25, 2009.**
- Any opposition brief will be filed by **September 8, 2009.**
- Any reply brief will be filed by **September 15, 2009.**
- The hearing on any such motion will be held at the Court's convenience during **the week of September 21, 2009.**

Should any party seek to file a motion to exclude expert testimony regarding DNA evidence at a date later than that described above, that party will seek permission from the Court to file such motion and will explain why the motion could not have been filed according to the above schedule.

SO STIPULATED:

JOSEPH P. RUSSONIELLO
United States Attorney

DATED: 7-15-09

/s/_____
MATTHEW L. MCCARTHY
Assistant United States Attorney

DATED: 7-15-09

/s/_____
JOHN HEMANN
Attorney for Stephen Grady

¹ The government intends to introduce DNA evidence against defendant Stephen Grady. The DNA evidence is not expected to inculcate defendant Brandon Bernard, and his counsel has therefore not been party to these scheduling discussions. Mr. Bernard's counsel has received discovery regarding the expected DNA evidence.

ORDER

The Court orders that:

- Any motion to exclude expert testimony regarding DNA evidence shall be filed by ~~August 25, 2009.~~ August 18, 2009.
- Any opposition brief shall be filed by ~~September 8, 2009.~~ September 1, 2009.
- Any reply brief shall be filed by ~~September 15, 2009.~~ September 8, 2009.
- The hearing on any such motion will be held at 3:00 on Tuesday, September 15, 2009.

Should any party seek to file a motion to exclude expert testimony regarding DNA evidence at a date later than that described above, that party shall seek permission from the Court to file such motion and shall explain why the motion could not have been filed according to the above schedule.

SO ORDERED.

DATED: July 17, 2009


THE HONORABLE MAXINE M. CHESNEY
United States District Court Judge